

1  
2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 IN RE: Bard IVC Filters Products  
10 Liability Litigation,

No. MDL 15-02641-PHX-DGC

11  
12 Scott Robert Hennager,  
13 Plaintiff,

No. CV-17-3878-PHX-DGC

14 v.

**ORDER**

15 C. R. Bard, Inc., a New Jersey  
16 Corporation; and Bard Peripheral  
17 Vascular, Inc., an Arizona corporation,  
18 Defendants.

19 Defendants have filed a motion to dismiss Plaintiff Scott Robert Hennager's  
20 complaint. Doc. 20966. Plaintiff has not filed a response to the motion and the time for  
21 doing so has passed. Plaintiff Scott Robert Hennager filed this lawsuit for personal injuries  
22 he allegedly sustained from a Bard IVC filter. Plaintiff is deceased and, accordingly,  
23 Plaintiff's counsel filed a notice of suggestion of death with the Court on October 17, 2018.  
24 Doc. 12982.

25 The Federal Rules of Civil Procedure require the Court to dismiss an action by a  
26 deceased plaintiff if no motion is made to substitute that deceased plaintiff for a proper  
27 party within 90 days of the Notice of Suggestion of Death. Fed. R. Civ. P. 25(a)(1).  
28 Because more than 90 days have passed since the Plaintiff's Notice of Suggestion of Death

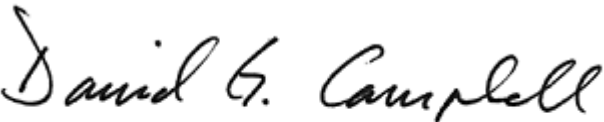
1 was filed, and no substitution has been requested, the Court will grant Defendants' motion  
2 to dismiss.

3 **IT IS ORDERED:**

4 1. Defendants' motion to dismiss Plaintiff Scott Robert Hennager' complaint  
5 (Doc. 20966) is **granted**.

6 2. The Clerk is directed to terminate this member case.

7 Dated this 9th day of January, 2020.  
8

9  
10 

11 David G. Campbell  
12 David G. Campbell  
13 Senior United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28